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C O N F I D E N T I A L SECTION 01 OF 02 BAKU 001082

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DEPARTMENT FOR EUR/CARC AND L

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SUBJECT: AMBASSADOR'S INTRODUCTORY CALL ON MINISTER OF
JUSTICE FIKRAT MAMMADOV

Classified By: AMBASSADOR ANNE E. DERSE PER 1.4(B,D)

11. (C) SUMMARY AND ACTION REQUEST: In her introductory call on Minister of Justice Fikrat Mammadov, the Ambassador discussed judicial reform, the status of a joint USG-GOAJ developed legal database, the registration process for NGOs, and prison reform. Mammadov outlined the MOJ's recent progress, highlighting the success of the (USG-supported) judicial exam process and assuring the Ambassador that the USG-funded legal database was up and running. Mammadov told the Ambassador of his plan to construct 17 new courthouses throughout the country and to increase the number of judges. In response to the Ambassador's concerns about the registration process of NGOs and the status of prison reform, Mammadov said that MOJ has made great efforts in overcoming its Soviet legacy and that there has been substantial progress on both fronts. The Minister proposed that the U.S. and Azerbaijan resurrect a 1999 dialogue to conclude a Mutual Legal Assistance Treaty. Department's guidance on the proposed MLAT dialogue is requested in paragraph 10. END SUMMARY

12. (C) During her July 17 introductory call on Minister of Justice Fikrat Mammadov, the Ambassador reviewed U.S. priorities for the bilateral relationship: cooperation in the Global War on Terror and regional and global security and stability, global energy security, and advancing democracy through political and economic reform. She highlighted the important role played by the Ministry of Justice in political reform and economic development. Pointing out that Azerbaijan is about to be hit with a wave of oil wealth, the Ambassador stressed that the justice system and rule of law will play a critical role in political and economic development. Noting the importance of the development of civil society, the Ambassador urged the MOJ to streamline its registration process for NGOs. She also encouraged the MOJ to continue its work in improving the condition of detention facilities.

JUDICIAL REFORM

13. (C) Mammadov explained that the Ministry of Justice (MOJ) recognizes that it is responsible for court and legal reforms, specifically the implementation of new internationally recognized standards as outlined by the Council of Europe. Enthusiastic about Azerbaijan's successful judicial exam process (implemented with significant help from the USG), Mammadov spoke of the GOAJ's efforts in judicial reform. The Ambassador congratulated Mammadov on the successful exam process, and urged the MOJ to use this process as a model elsewhere, such as the Collegium of Lawyers. Mammadov spoke highly of the support the Embassy provided in the training process for judges. He mentioned

that the MOJ would continue to welcome experts from the U.S. presenting lectures at training sessions for newly selected judges. Mammadov acknowledged that the process for testing and training lawyers is not yet up to the standards of the process for judges, and expressed his desire to improve the process.

14. (C) Arguing that most of Azerbaijan's judicial shortcomings are linked to heavy workloads, Mammadov shared his plan to increase the number of judges and facilities throughout the country. He said that compared to many European countries, Azerbaijan's number of judges per 100,000 citizens is not adequate. Mammadov added that the MOJ has requested that the President provide resources for a forty to fifty percent increase in the number of judges, and said that the resources for court facilities should be proportionately increased. To fund the construction of 17 new courthouses, Mammadov said that the World Bank had approved 21.6 million USD, the Japanese government had agreed to contribute 3 million USD, and that the GOAJ will put forth 11 million USD. The Ambassador applauded the GOAJ for taking ownership of the process by contributing its own resources.

LEGAL DATABASE -----

15. (C) Mammadov outlined the status of a legal database developed from joint USG-GOAJ cooperation (and funded by USAID). He said that the site is up and running, but has not been updated since its creation. Mammadov thanked the U.S. for its support and assistance, and said that the MOJ was waiting for a Presidential decree soon to be issued authorizing the restructuring of the MOJ, which will include the establishment of a unit to maintain the database, including training the experts necessary to update and

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maintain the site. The Ambassador said that she is pleased the database is running, noting that making legislation available to the public is an important step in transparency. She urged the MOJ to work quickly to find and train the needed experts for the site.

NGO REGISTRATION -----

16. (C) Responding to the Ambassador's concerns about the NGO registration process, Mammadov said that civil society is developing well in Azerbaijan, noting that the number of NGOs registered with the MOJ has significantly increased over the past few years. He said that in the last six months, approximately 300 NGOs were registered - a number equal to the total registered in the entire previous year. According to Mammadov, in 2001 only 23 NGOs were registered, so he feels that Azerbaijan has made significant progress. He said that the registration of media outlets with the MOJ is also a simple, free process. (Comment: Independent TV station ANS and several USG-funded regional TV networks continue to experience problems obtaining a license.)

PRISON REFORM -----

17. (C) Explaining the difficulty in overcoming Azerbaijan's Soviet legacy, Mammadov acknowledged that the detention facilities that MOJ had inherited were not up to the standards he would prefer. Another problem is that the facilities are concentrated in the Baku area, making it difficult for families of prisoners to visit, which Mammadov said is their right. He continued that because both the courthouses and the prisons are primarily located around Baku, many lawyers leave the regions to practice in Baku. Mammadov expressed his desire to establish new facilities in the regions, which he hopes will encourage economic growth. He also mentioned that the reform of detention facilities is necessary to ensure transparency and openness, and that the

MOAJ is working to improve the conditions of these facilities to conform with international standards.

MUTUAL LEGAL ASSISTANCE TREATY: ACTION REQUEST

¶18. (C) Mammadov stated that he is quite pleased with the multifaceted partnership between the U.S. and Azerbaijan, but said that he would like the relationship to develop further. Specifically, he expressed his desire to revive discussions with the USG to conclude a Mutual Legal Assistance Treaty (MLAT). Mammadov explained that he would like to see an agreement between the U.S. and Azerbaijan similar to the existing framework between Azerbaijan and the Council of Europe. He referred to an instance in which the U.S. requested extradition of an individual, and he pointed out that even though there was not a treaty, Azerbaijan had cooperated. It would make sense, Mammadov continued, to establish a legal basis for such cooperation. According to Mammadov, in 1999, such a dialogue began between the U.S. and Azerbaijan. The Ambassador promised to look into this issue.

¶19. (C) In a follow-up discussion with Poloff, MOJ official Adil Abilov reiterated Azerbaijan's desire to continue the dialogue with the U.S. on an MLAT. However, Abilov said Azerbaijan did not want to continue the exact substance of the 1999 discussion, as Azerbaijan's legal framework had changed significantly since that time due to reforms undertaken within the framework of Azerbaijan's obligations to the Council of Europe. Abilov said that Azerbaijan is interested in opening a dialogue with the U.S. to fill the "huge legal gap" that currently exists.

¶10. (C) Action requested: We believe that conclusion of an MLAT would be in the U.S. interest and request guidance on the next steps to resume MLAT discussions. END ACTION REQUEST
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